



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,584	10/17/2001	Jorn von Seggern	11232	7560

7590 08/13/2002

Dorsey & Whitney LLP
Republic Plaza Building
Suite 4700
370 Seventeenth Street
Denver, CO 30202-5647

EXAMINER

RIDLEY, RICHARD

ART UNIT	PAPER NUMBER
----------	--------------

3651

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,584

Applicant(s)

SEGGERN, JORN VON

Examiner

Richard Ridley

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 13-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10-17-01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “**step-wise detent**” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as “characterized in that”, “means” and “said,” should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The limitation of a "stepwise detent" as claimed in claim 10 is not present in the specification.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The limitation of a "stepwise detent" is not described in the specification. While the specification does mention adjustability by means of a coupling, there is no support in the specification for use of a "stepwise detent".

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 6, 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "**each conveyor**". There is insufficient antecedent basis for this limitation in the claim. Only one conveyor is previously recited in claim 1. Perhaps the claim would be clearer if rewritten to indicate that there is the *same number of drivers on each conveyor line*.

Claim 7 recites the limitation "**each of the conveyors**". There is insufficient antecedent basis for this limitation in the claim. Only one conveyor is previously recited in claim 1. Perhaps the claim would be clearer if rewritten to indicate that there *each of the conveyor lines are guided over and adjusting roller*.

Claim 7 recites the limitation "...**comprising a guide wheel each attached to said guide wheel...**". It is not clear what is attached to the guide wheel. Each of *what* is attached to said guide wheel?

Claim 7 recites the limitation "...**each attached to said guide wheel being arranged next to other...**". As written the claim appears to be grammatically incorrect rendering the claim unclear and indefinite. What is "arranged next to other"? The phrase "next to other" appears to be grammatically incorrect.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3651

A person shall be entitled to a patent unless –

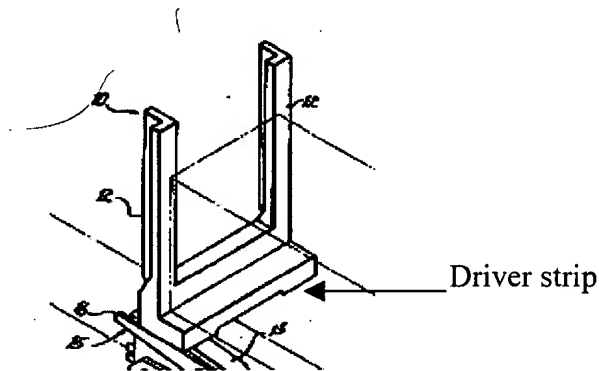
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Greenwell et al. (USP 5,337,887).

Greenwell discloses all of the claim limitations in a similar conveyor apparatus for transporting objects shown in fig. 4, the apparatus comprising a plurality of continuously circulating guided conveyor lines (20, 20a) that are constituted of chains, each line being provided with a plurality of drivers (10, 11) to contact said objects, said drivers being releasably connected (C4/L20-26) with one of said conveyor lines, so that the distance between drivers can be altered to accommodate objects of different sizes.

Greenwell further discloses that the drivers (10, 11) are held on each conveyor line (20, 20a) so that they can be adjusted in the direction of transport (C4/L23-26) and that the drivers (10, 11) connected to each conveyor line (20, 20a) are located at fixed intervals from each other (C4/L41-63).

Greenwell additionally discloses that each driver has driver strips (fig. 4) that extend across all of the conveyor lines transversely to the direction of transport.



Part of Fig. 4 of Greenwell '887

Greenwell additionally discloses that the same number of drivers (10, 11) are arranged on each conveyor (C4/L4-8; each left-handed lug 10 has a complementary right-handed lug 11 such that a pocket for receiving an object for transport is formed)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, as best understood, and claims 8, 9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwell in view of Malhiot.

Greenwell discloses all of the claim limitations, as shown above, but does not disclose each of the conveyors guided over an adjusting roller comprising a guide wheel each attached to said guide wheel being arranged next to other, each said guide wheel being adjustable to different positions relative to another guide wheel.

Malhiot discloses a similar conveyor apparatus for transporting objects comprising a plurality of continuously circulating guide conveyor lines (12, 13). Each conveyor line in Malhiot is provided with a plurality of drivers (25, 26) to contact said objects.

Malhiot teaches guiding the conveyor lines (12, 13) over an adjusting roller (pg. 2, lines 37-38) comprising a guide wheel (16 or 17) each attached to said guide wheel being arranged next to other (guide wheels 16 & 17 are arranged next to each other), each said guide wheel

Art Unit: 3651

being adjustable to different rotational positions relative to another guide wheel (pg. 2, line 36-40). Malhiot teaches the aforementioned arrangement for the purpose of providing for a means to permit the adjustment of the conveyor pockets (14) to receive different size articles or packages (pg. 2, lines 43-65), as such relative movements of the guide wheels permits adjustment of all conveyor pockets at once.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided conveyors guided over an adjusting roller comprising a guide wheel each attached to said guide wheel being arranged next to other each said guide wheel being adjustable to different rotational positions relative to another guide wheel, as taught by Malhiot, in the conveyor apparatus of Greenwell for the purpose of providing for a means to permit the adjustment of the conveyor pockets to receive different size articles or packages, as such relative movement of the guide wheels permits size adjustment of all conveyor pockets at once.

Regarding claim 8, Malhiot discloses that each guide wheel (16, 17) is a driven sprocket wheel (pg. 1, lines 21-24).

Regarding claim 9, Malhiot discloses that each guide wheel (16, 17) is adjustable continuously relative to another guide wheel (guide wheels 16 are adjustable continuously relative to each other due to slots 32 & 42; pg. 2, lines 4-27)

Regarding claim 11, Malhiot discloses that the adjusting roller is a driving device (adjusting rollers 16 & 17 drive conveyor lines 12 & 13)

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwell in view of Middleberg et al. (USP 5,806,659).

Greenwell discloses all of the claim limitations, as shown above, but does not disclose the chains (20, 20a) made at least partially of plastic.

Middleberg, in a similar apparatus for transporting objects, teaches the use of a chain (20) made at least partially of plastic (C1/L55-56) for the purpose of providing for a chain made of lightweight plastic material so that the component that drives the chain can also be made of lightweight material, such as plastic, further increasing the speed and control capabilities with no degradation in the life of the mechanism (C1/L55-60) and for the purpose of greatly reducing the total rotational inertia of the drive mechanism (C6/L39-43) when compared to prior art mechanisms (C1/L28-34).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the use of a chains that are made at least partially of plastic, as taught by Middleberg, in the conveying apparatus of Greenwell for the purpose of providing for a chain made of lightweight plastic material so that the component that drives the chain can also be made of lightweight material, such as plastic, further increasing the speed and control capabilities with no degradation in the life of the mechanism and for the purpose of greatly reducing the total rotational inertia of the drive mechanism.

Claim Objections

6. Claims 5, 8, 12, 13, 14, 16 are objected to because of the following informalities:

- In claim 5, the word “with” should be --that--;
- In claim 8, “wheels” should be --wheel--;
- In claim 12, “wehreïn” should be --wherein--;
- In claims 13, 14, 16, “which” should be --that--.

Art Unit: 3651

Appropriate correction is required.

7. Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim, or amend the claim to place the claim in proper dependent form, or rewrite the claim(s) in independent form. Claim 14 improperly depends from itself. For purposes of this Office Action claim 14 is considered to depend from claim 13.

Allowable Subject Matter

8. Claim 10 would be allowable if rewritten to overcome the objections to the drawings and the specification and to overcome the rejection under 35 U.S.C. 112 first paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is an examiner's statement of reasons for allowance:

Regarding claim 10, while the prior art of record may disclose adjusting guide wheels by rotating them relative to each other, such an adjustment is disclosed by means of a pin and slot arrangement as shown particularly in the prior art of Hawkins '642 and Malhiot '292. A stepwise detent, which would increase the speed of making adjustments since there are not bolts to loosen and retighten, as claimed in the instant application is not disclosed in the prior art of record.

Art Unit: 3651

Regarding claim 13, Malhiot '292 discloses chains consisting of links made in a single piece that can be locked together with each having a pin section with two cylindrical pins. However, Malhiot does not disclose that the disclosed drivers are releasably connected with the chains so that the distances between the drivers can be altered (as required by claim 1). Although the drivers (fig. 4) of Malhiot may indeed be released from the chain, in order to alter the distances between the drivers, which are also the links, a new and different link would need to be installed in place of the removed driver. In Malhiot this new and different link not having a driver is not disclosed nor is there a teaching or motivation to combine Malhiot with any of the prior art of record for employing the use of such a new and different link. Additionally, the claimed combination comprising a forked receptacle section is not disclosed in Malhiot or the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (703) 306-5910. The examiner can normally be reached on Mon-Thur 7:00 am - 5:15 pm.

Art Unit: 3651

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-1113. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-0552 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read 'Richard Ridley', with a stylized, cursive script.

Richard Ridley
August 7, 2002

Richard Ridley
Examiner
Art Unit 3651